

JUPILER PRO LEAGUE

Exclusive – The Refaelov case is set to reach its conclusion: is the Belgian Football Union heading for financial ruin?

2 hours ago · 🕒 7 mins

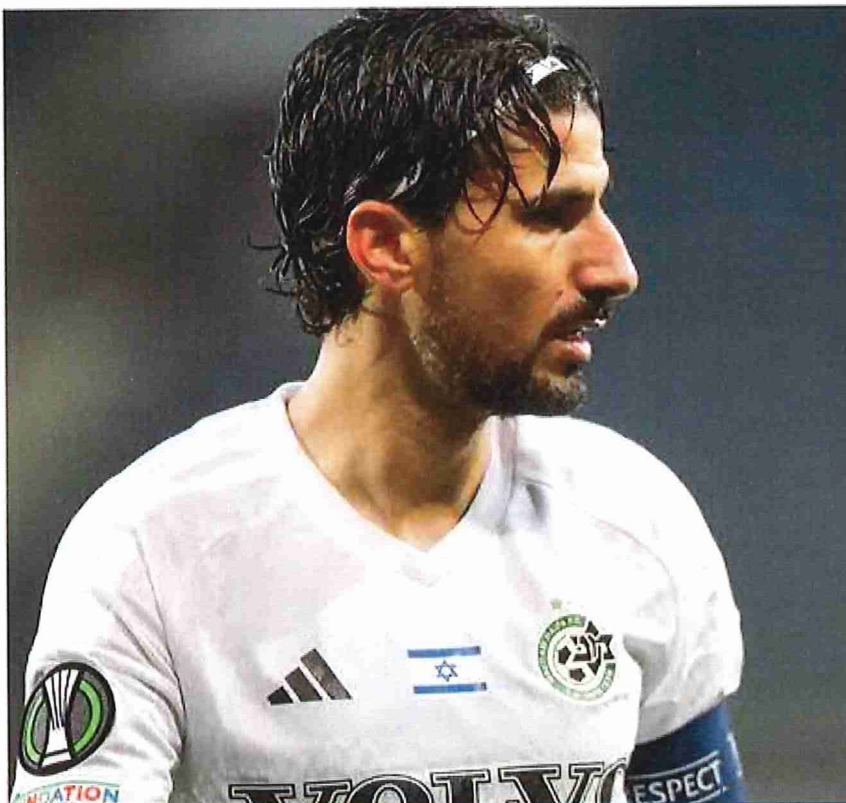
Share

Listen

The French-speaking Court of First Instance in Brussels will hear the Refaelov case this Thursday and Friday, which calls into question the legality of the rules on locally trained footballers. And a favourable outcome for Antwerp could have a snowball effect, potentially forcing the Belgian Football Association to dig deep into its pockets...

By the editorial team

Add RTBF Actus to Google



Follow the latest news
on the RTBF Actus app

Open

Under legal attack from all sides in recent years, UEFA may soon have to rethink one of its most sensitive rules: the one relating to *homegrown players*. And the Belgian Football Association, which has followed UEFA's lead, could also find itself in a difficult position.

Adopted in 2005 by the UEFA Executive Committee, the homegrown players' rule requires clubs participating in European competitions (Champions League, Europa League, Conference League and the UEFA Super Cup) to include **at least eight homegrown players** on their 25-man A-list of eligible players – that is, players trained in the country of the club in question. Of these eight players, at least four must have been trained by the club itself. The stated aim is to encourage clubs to develop young players.

In Belgium, **Union Saint-Gilloise is suffering more than anyone else from this rule** due to its lag in the area of youth development. As was the case last year in the Champions League, the Brussels-based club was only able to register 21 players on its A-list for the Europa League group stage because it does not have 8 locally trained players.

The Belgian Football Association goes even further

Like some thirty national associations, the Belgian Football Association – which is responsible, in particular, for the Pro League – has implemented this provision in Belgian football. It has even tightened the rules, on the grounds of giving these locally trained players genuine prospects of playing time.

Since 2011, professional clubs have therefore been required to include **on every match-day squad list at least six players who have been trained by Belgian clubs** for three full seasons before their 23rd birthday. And two of them must have met this requirement before their 21st birthday. If a club does not have enough players who meet this criterion, it cannot replace them and must therefore list fewer names on the match sheet, as is the case with the Union in Europe.

For several years now, these JFL rules have been the subject of legal disputes. It was Antwerp who kicked things off in 2020 by bringing the matter before the Belgian Court of Arbitration for Sport (CBAS).

According to the Antwerp club, represented by Belgian lawyers **Jean-Louis Dupont** (father of the famous Bosman ruling alongside **Luc Misson**) and **Martin Hissel**, these rules constitute **an obstacle to the free movement of workers and to free competition**, two principles

Follow the latest news
on the RTBF Actus app

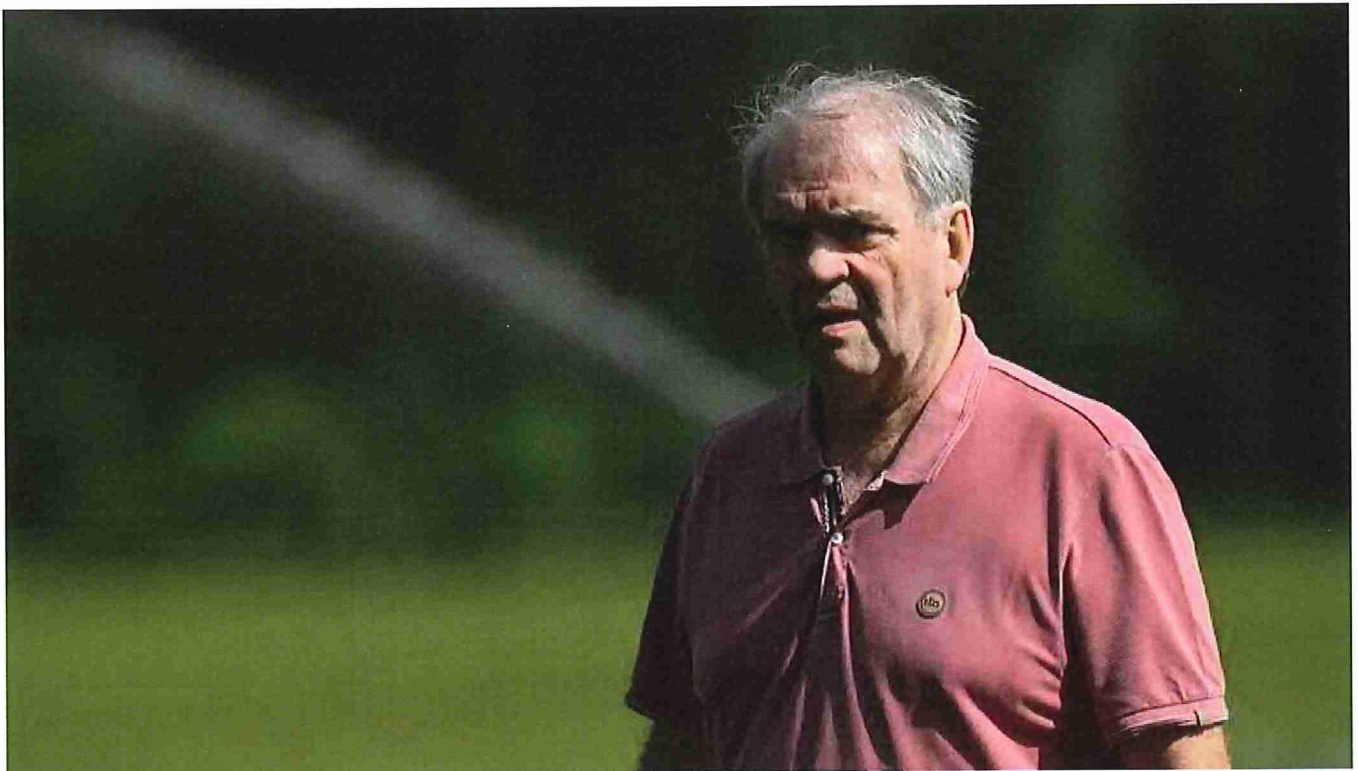
Open

Having been brought on Belgian soil, this case is now known as the 'Refaelov case'.



See also: After Jean-Marc Bosman, Lior Refaelov: Belgian football rocks UEFA

The CJEU leaves room for doubt, but...



© Belgaimage

Having had their case dismissed by the CBAS, Antwerp and Refaelov turned to the French-speaking Court of First Instance in Brussels. More receptive to their arguments than the CBAS, **the court referred the matter to the Court of Justice of the European Union** regarding the compatibility of this set of JFL rules issued by UEFA and the Belgian Football Association with Articles 45 and 101 of the TFEU.

“A risk that must not be underestimated under any circumstances”

As expected, the CJEU's judgment was finally handed down on 21 December 2023.

Follow the latest news
on the RTBF Actus app

Open

workers (Article 45 TFEU) and whether they constitute unjustified restrictions on competition (Article 101 TFEU).

Nevertheless, on reading the CJEU's conclusions, one can detect **more or less clear suggestions that these rules should be declared contrary to European regulations.** *"We are faced with a ruling from the Court which seems to suggest – although nothing is ever certain – that this rule is not compatible with the European Treaty,"* admits **Pierre François**, the Pro League's representative on the Belgian Football Union's board of directors (and managing director of Standard Liège). *"This is a risk that must not be underestimated under any circumstances. This judgement may be less scathing than the Diarra judgement, but it seems to send a signal that is not very favourable to the retention of this rule."*



See also: The Refaelov and Antwerp case: rules on home-grown players could still comply with EU law

As things stand, Union Saint-Gilloise or Standard must meet their quota of home-grown players using players trained within the small territory of Belgium, whilst Paris Saint-Germain or Olympique de Marseille can draw on players trained across the whole of France, a territory more than 18 times larger! It is easy to see the problem with basing a player's eligibility as 'locally trained' on a purely national criterion. **"The problem lies in the choice of rules that were adopted,"** explains Pierre François. *"It wasn't enough simply to require a certain number of young players trained in Europe or within the European Economic Area. The focus was narrowed to the national territory, without the club itself being required to provide the training."*

The Court of First Instance must therefore determine, in particular, **whether the JFL rules genuinely encourage all clubs to develop young players**, whilst some can easily do without and poach the best talent trained elsewhere within their territory. Players from abroad, meanwhile, are at a disadvantage when seeking to sign for a club, as they cannot contribute to the quota of locally trained players. Conversely, a Belgian club might have an interest in retaining a player trained in Belgium in its squad so that he contributes to the JFL quota. This, for example, could explain why Sporting Anderlecht, faced with the departure of several of its home-grown players such as **Yari Verschaeren** and **Nathan De Cat**, retained **Adriano Bertaccini** this summer despite strong interest from several foreign clubs.

Follow the latest news
on the RTBF Actus app

Open

Is the Belgian Football Union facing a hefty bill?

The Refaelov case will be heard this Thursday and Friday by the French-speaking Court of First Instance in Brussels. It should be noted that Antwerp and its Belgian-Israeli player have brought a case before the court seeking to have the CBAS arbitration award set aside. **However, the scope of the court's ruling could be far-reaching**, much like the enormous repercussions of the Diarra judgement on the transfer market. If the Belgian judge finds that the JFL rules are indeed contrary to European law, they will be declared null and void from the date of their adoption: 2005 for the UEFA rules, and 2011 for those of the Belgian Football Union!

Affected clubs and players could therefore seize **the opportunity to bring a class action** to claim damages from their respective football associations. And this potential collective action for damages could result in a hefty bill for UEFA and its national associations. *“Given that — over the past twenty years or so — tens of thousands of professional players and hundreds of clubs have been and continue to be affected, the sums involved will inevitably be considerable and therefore likely to seriously affect the finances of UEFA and its members”,* according to the latest issue of the **Journal des Tribunaux**, Belgium's leading legal journal, in an article co-authored by Belgian professor **Melchior Wathelet**.

According to a study carried out by a firm of experts in the assessment of competition-related damages, which RTBF was able to consult, **the loss of wages and other economic damages resulting from these JFL rules run into billions of euros**. It has thus been estimated that the damages suffered by players in the 11 top European leagues (the Premier League and the 10 top EU leagues, including the Pro League) amount to 2 billion euros between the 2014–2015 and 2023–2024 seasons. When interest and charges are added, the compensation payable to players would therefore amount to 3.3 billion euros.

The study also examined the losses suffered by clubs in the Portuguese, Belgian, Danish, Austrian and Swedish leagues as a result of the application of the JFL rules. These clubs alone are **said** to have suffered damages amounting to 700 million euros. The clubs **could therefore claim tens of millions from the Belgian Football Association** if the JFL rules are deemed to be contrary to European law.

“There will be a debate”

~~The court's verdict could be known within a few weeks. But the possibility~~

Follow the news
on the RTBF Actus app

Open

The case: "But this transaction 'should involve a change to the rule' on locally trained players."

However, he disputes the figures cited in the study. *"A new assessment (of damages, ed.) will certainly be needed, one that is less biased than the one resulting from this report. Whilst the rule may have led clubs to buy a player for more than his actual value on the grounds that he was home-grown, the same clubs may have sold players for more than their actual value because they were labelled 'home-grown'. Failing to reach a settlement with UEFA's assistance to bring the case to a close, there will be a debate on this aspect."* These proceedings are therefore set to begin this Thursday at the French-speaking Court of First Instance in Brussels...

See also



JUPLIER PRO LEAGUE

Former Golden Boot winner Lior Refaelov retires; a role awaits him at the club where he came through the ranks

15 May 2025 at 18:26 • 2 mins

ALSO IN THE JUPLIER PRO LEAGUE



... Sport Football **PRO LEAGUE**

Results and tables Fixtures



Follow the latest news
on the RTBF Actus app

Open